

12/10/2007 15:36 2122394310

DEC-10-2007 MON 03:20 PM

SHALOV STONE BONNER  
FAX NO.PAGE 02/04  
P. 02CHIN, S  
USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #:

DATE FILED: 12/11/07

Case No. 07-cv-7016 (DC)

STIPULATION AND  
~~(PROPOSED)~~ ORDER  
EXTENDING TIME TO  
RESPOND TO COMPLAINTUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKISTVÁN TEMESFOI, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

GPC BIOTECH AG; BERND R.  
SEIZINGER; MARTINE GEORGE; and  
MARCEL ROSENZWEIG,

Defendants.

WHEREAS, plaintiff István Temesfoi has filed the above-captioned putative class action;

WHEREAS, plaintiffs in the actions entitled *Cornwin v. Seizinger, et al.*, No. 07-cv-6728 (DC) and *Dang v. GPC Biotech AG, et al.*, No. 07-cv-7476 (DC) (collectively, with the Temesfoi action, the "Actions"), also have filed putative class actions arising out of the same alleged facts and circumstances as those alleged by Temesfoi in this action;

WHEREAS, plaintiffs in the Actions have moved, pursuant to the Private Securities Litigation Reform Act, for the appointment of lead plaintiff and the selection of lead plaintiff's counsel; and

WHEREAS, it is anticipated that following the appointment of lead plaintiff and selection of lead plaintiff's counsel, an amended complaint will be filed relating to the Actions;

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the plaintiff and counsel for Defendants GPC Biotech AG, Bernd R. Seizinger, Martine George, and Marcel Rosenczweig (collectively, the "Defendants"), that:

1-NY/2254754.1

12/10/2007 15:36 2122394310

SHALOV STONE BONNER

PAGE 03/04

DEC-10-2007 MON 03:20 PM

FAX NO.

P. 03

1. The undersigned attorneys for the Defendants agree to accept service of process on behalf of all Defendants, provided, however, that such service shall not constitute a waiver of any defenses that may be raised by motion pursuant to Fed. R. Civ. P. 12(b)(1)-(3) and (6)-(7);

2. Defendants hereby waive any defenses that may be raised pursuant to Fed. R. Civ. P. 12(b)(4)-(5) with respect to the insufficiency of process or the insufficiency of service of process of the "Class Action Complaint For Violations of the Federal Securities Laws," dated August 6, 2007, in the above-captioned action;

3. The time of the Defendants to answer, move or otherwise respond to the complaint filed in this action is adjourned to a date to be set either by order of the Court or further stipulation of the parties; and

4. Within ten days following appointment of the lead plaintiff and designation of lead counsel by the Court, the parties shall submit to the Court for its approval a stipulation regarding the schedule for filing an amended complaint and Defendants' response to such amended complaint, provided, however, that Defendants' response to the complaint shall not be due in fewer than 60 days following service of the amended complaint.

DATED: New York, New York  
December 10, 2007

MORGAN, LEWIS & BOCKIUS LLP

SHALOV STONE BONNER & ROCCO LLP

By:

  
Bernard J. Garbutt III

By:

  
Ralph M. Stone

101 Park Avenue  
New York, NY 10178  
(212) 309-6000

Thomas G. Chiarone, Jr.  
485 Seventh Avenue, Suite 1000  
New York, NY 10018  
(212) 239-4340

12/10/2007 15:35 2122394318

SHALOV STONE BONNER

PAGE 04/04

DEC-10-2007 MON 03:21 PM

FAX NO.

P. 04

Attorneys for Defendants

Attorneys for Plaintiff

SO ORDERED:  
this 11<sup>th</sup> day of December, 2007

  
Hon. Denny Chin, U.S.D.J.